UNITED STATES PATENT AND TRADEMARK OFFICE

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10/553,796	10/18/2005	Andreas Schmidt	4001-1208	6098

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 March 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-12* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All   b)☐ Some *   c)☐ None of:

　　　　1.☒ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to the Amendments filed on 03/13/2008.

Claims 1-4 and 6-12 are pending and presented for examination. Claims 5 have been

cancelled.

2.   Claims 1-12 are pending and presented for examination. Claims 1 and 12 are the

independent claims and the remaining claims are the dependent claims.

3.   The prior art was incorrectly cited on the previous office action and accordingly,

this action has been made non-final.

Response to Amendment

4.   Referring to the objection to the Drawings, applicant's amendments have been

acknowledged and accordingly, examiner withdraws the objection.

5.   Referring to the objection to the Claims, applicant's amendments have been

acknowledged and accordingly, examiner withdraws the objection.

6.   Referring to the objection to the Specification, applicant's amendments have been

acknowledged and accordingly, examiner withdraws the objection.

7.   Referring to the 35 USC 112 rejection, applicant's amendments have been

acknowledged and accordingly, examiner withdraws the rejection.

8.   Referring to the 35 USC 101 rejection, applicant's amendments has been

acknowledged however, examiner maintains the rejection. (See below for more details).

Priority

9.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

10.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

11.   Claim(s) 1-4 & 6-12 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claims 1-4 & 6-12 are rejected as falling under the judicial exception of an abstract idea

which lacks a useful, concrete, and tangible result. A claimed series of steps or acts that

do not result in a useful, concrete, and tangible result are not statutory within the

meaning of 35 USC 101. In the instant case, the claims recite, "showing a name," and

"showing a number." However, no useful, concrete, and tangible result is claimed. For

example, "writing said data," "updating said data," "sending said data" being claimed

at the end of the claim may comprise a useful, concrete, and tangible result. Absent

such a result, however, the claims are not statutory.

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 1-4 & 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US 2004/0086120 to *Akins, III et al (hereafter Akins)* in view of US 2002/0178271 to

Graham et al (hereafter Graham).

Claim 1:

Akins teaches a method for managing a memory content or a memory area **[See Akins**

Paragraphs 0032 & 0048] of a data processing terminal (10) and/or of a communication

terminal (11) or for presenting the memory content or the memory area on a user

surface (1) of a data processing terminal (10) and/or of a communication terminal, **[(i.e.**

communication interface) See Akins Figure 2A, Item 212 & Paragraph 0028] comprising showing a

name or a title of at least one user data object (3) contained in a DRM file **[See Akins**

Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] directly on the user surface (1) **[See**

Paragraphs 0048 & 0059] of the data processing terminal (10) and/or of the communication

terminal (11) **[(i.e. communication interface) See Akins Figure 2A, Item 212 & Paragraph 0028]**

together with a name or a title of the DRM file (2) **[See Akins Paragraphs 0032, 0043-0044, 0051-**

0053, 0073 & 0075-76] and/or, if present, with a name or a title of other files (4), picture,

audio or text files **[See Akins Paragraphs 0003, 0017, 0026, 0034, 0042-0044, & 0051-0053]**.

Akins fails to teach showing a number of user data object (3) of the DRM file (2)

separately as independent objects.

However, Graham teaches showing a number of user data object (3) of the DRM file (2)

separately as independent objects **("application independent usage controls" See**

Abstract & Paragraph 0011, 0020, 0041, 0055, 0064, 0257 & Figure 13).

Since both Akins and Graham teach similar methods, it would have been obvious to

one skilled in the art to substitute one method for the other to achieve the predictable

result of showing a number of user data objects.

Claim 2:

The combination of *Akins and Graham* teaches a method in accordance with claim 1,

characterized in that the method has the following steps:

opening the DRM file (2) **[See Akins Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76]** and

reading out basic parameters (5), of name, type **[See Akins Paragraphs 0017, 0041, 0051, 0059]**,

size **[See Akins Paragraphs 0070]**, etc., of the at least one user data object; and displaying

["title, artist, album" See Akins Figure 4A-4C & 5C], size **[See Akins Paragraphs 0070]**, at least one

of the parameters (5) of the user data object (3) previously read out instead of or in

addition to corresponding parameters (5), of name, type **[See Akins Paragraphs 0017, 0041,**

0051, 0059], size **[See Akins Paragraphs 0070]**, etc., of the DRM file (2) on the user surface (1)

of the data processing terminal (10) and/or of the communication terminal (11) **[(i.e.**

communication interface) See Akins Figure 2A, Item 212 & Paragraph 0028].

Claim 3:

The combination of *Akins and Graham* teaches a method in accordance with claim 2,

wherein usage rights (6) **[See Akins Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76]** of the

at least one user data object (3) are sought, evaluated and presented in combination

with at least the name/title ["title, artist, album" See Akins Figure 4A-4C & 5C] and possibly

with the remaining parameters (5) of the corresponding DRM file (2) or of the

corresponding user data object (3) on the user surface (1) ["user interface screen (GUI) See

Akins Figure 4A-4C, 5C & Paragraph 0060-0063], of the data processing terminal (10) and/or of

the communication terminal (11) [(i.e. communication interface) See Akins Figure 2A, Item 212 &

Paragraph 0028].

Claim 4:

The combination of *Akins and Graham* teaches a method according claim 1, wherein the

parameters (5), including the name/title of the DRM file (2) [See Akins Paragraphs 0032,

0043-0044, 0051-0053, 0073 & 0075-76] and/or the parameters (5), including the name/title

["title, artist, album" See Akins Figure 4A-4C & 5C] of the at least one user data object (3) are

differentiated from the parameters (5) of other files (4) by a special display, or by a

additional symbol, by an symbol modified from a usual symbolic representation of the

parameters (5) of a file or of a user data object or by changing display color, brightness

or structure ["user interface screen (GUI) See Akins Figure 4A-4C, 5C & Paragraph 0060-0063].

Claim 6:

The combination of *Akins and Graham* teaches a method according to claim 1, wherein

the number of user data objects (3) of the DRM file (2) [See Akins Paragraphs 0032, 0043-0044,

0051-0053, 0073 & 0075-76] or parameters (5) of the number of user data objects (3) of the

DRM file (2) [See Akins Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] are represented by

a graphical component (7) ["backdrops as mountain scenes, streams and other back drops" See

Akins Figure 4A-4C, 5C & Paragraph 0060-0063], a bracket or a frame around the user data

objects (3) of the DRM file (2) [See Akins Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76]

or around the parameters (5) of the number of user data objects of a DRM file (2) [See

Akins Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76] and/or a common display color,

brightness or structure ["user interface screen (GUI) See Akins Figure 4A-4C, 5C & Paragraph

0060-0063].

Claim 7:

The combination of *Akins and Graham* teaches a method according to claim 1, wherein

the at least one user data object (3) is presented as a subfolder of a DRM folder, or in a

form of a tree structure [(i.e. directory) See Akins Paragraphs 0070].

Claim 8:

The combination of *Akins and Graham* teaches a method according to claim 1, wherein

an application for managing usage rights (6) belonging to the user data object (3) is

integrated into an application for presentation of the memory content [(i.e. memory

display) See Akins Paragraph 0048] or of the memory area on the user surface (1) of the data

processing terminal (10) and/or of the communication terminal (11) [(i.e. communication

interface) See Akins Figure 2A, Item 212 & Paragraph 0028].

Claim 9:

The combination of *Akins and Graham* teaches a method in accordance with claim 8,

wherein on activation of the user data object (3) the existing usage rights (6) are checked

and, with a positive result, the user data object (3) is encrypted and transferred to the corresponding application for usage of the user data object (3) or, with a negative result, the usage of the user data object (3) is prevented [See Akins Paragraph 0032, 0043, 0052, 0069 & 0073-0076].

Claim 10:

The combination of *Akins and Graham* teaches a method in accordance with claim 2, wherien, as further property parameter of the user data object (3) it is shown whether usage rights (6) are present for the user data object (3) or not, and/or what a type or an extent of these usage rights (6) is [See Akins Paragraphs 0032, 0043, 0051, 0069, 0073].

Claim 11:

The combination of *Akins and Graham* teaches a method in accordance with claim 10, wherein different types of usage right (6) are represented by corresponding different graphical and/or textual representations [See Akins Paragraphs 0013, 0020, 0027, 0059].

Claim 12:

A telecommunications arrangement (9), comprising at least one data processing terminal (10) and/or a communication terminal (ii), which is arranged for executing the method in accordance with claim 1 [(i.e. communication interface) See Akins Figure 2A, Item 212 & Paragraph 0028].

Response to Arguments

14.   Applicant's arguments with respect to claims 1-4 7 6-12 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

15.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheree N. Brown whose telephone number is (571) 272-4229. The examiner can normally be reached on Monday-Friday 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wilson Lee/   S. Brown /Sheree N. Brown/
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                                                                   Technology Center 2100
                                                                   June 30, 2008